



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO.                   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------------------------|-------------|----------------------|---------------------|------------------|
| 09/851,369                        | 05/08/2001  | Julie F. Lyman       | 7784-000185         | 2389             |
| 27572                             | 7590        | 03/08/2006           | EXAMINER            |                  |
| HARNESSE, DICKEY & PIERCE, P.L.C. |             |                      | TRAN, HAI V         |                  |
| P.O. BOX 828                      |             |                      | ART UNIT            |                  |
| BLOOMFIELD HILLS, MI 48303        |             |                      | PAPER NUMBER        |                  |

2611

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/851,369

Applicant(s)

LYMAN, JULIE F.

Examiner

Hai Tran

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1-11 and 18-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said step " in line 11. There is insufficient antecedent basis for this limitation in the claim. It is unclear which step is referred to because the claimed method comprising more than one step, i.e., step of multicasting and step of configuring the mobile communication system.

Claim 18 recites the limitation "said step " in line 12. There is insufficient antecedent basis for this limitation in the claim. It is unclear which step is referred to because the claimed method comprising more than one step, i.e., step of selecting data, formatting the selected data, multicasting the formatted data, and authorizing the given platform.

The following art rejection is applied to applicant claims as best understood in view of the 112 2<sup>nd</sup> paragraph rejection above.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-18, and 20 are rejected under 35 U.S.C. 102(b) as being unpatentable by Sklar et al. (US 5990928).

Claim 1, Sklar discloses a method for providing data content to a plurality of platforms traveling in a plurality of satellite coverage regions, each platform including a mobile communications system configured for bi-directional communication with a ground segment via satellite link (Col. 2, lines 11-26), the method comprising the steps of:

Within each of the coverage regions, multicasting data content selected for the region to all of the platforms in the region via an associated ground station and satellite to make all the selected data content available to each of the platforms in the region (Col. 2, lines 55-Col. 3, lines 30); and

As a platform leaves one of the coverage regions and enters another of the coverage regions, configuring the mobile communication being entered (Col. 3, lines 28-36), the step being performed via ground station associated with the coverage region being left (Col. 10, lines 48-63).

Claim 2, Sklar further discloses the step of customizing data content for a regional multicast to relate to at least one of a platform provider, a geographic location and a platform destination (Col. 11, lines 55-Col. 13, lines 15).

Claim 3, Sklar further discloses wherein the step of multicasting data content comprises the step of multicasting video content (Col. 9, lines 23-25).

Claim 4, Sklar further discloses wherein the step of multicasting data content is performed within the plurality of coverage regions using a scheduling function (Col. 7, lines 25-32).

Claim 5, Sklar further discloses wherein the step of configuring the mobile communications system on the entering platform to drop packets of the multicast data content not relating to platforms provided by the provider of the entering platform (Col. 11, lines 25-Col. 12, lines 40).

Claim 6, Sklar further discloses the step of configuring the mobile communications system on the entering platform to accept at least a portion of the multicast data content for delivery to a user on the entering platform (Col. 11, lines 45-53; Col. 13, lines 5-15).

Claim 7, Sklar further discloses wherein the step of configuring the mobile communications system on the entering platform comprises the step of transmitting changes to a forwarding table of the mobile communication system (Col. 10, lines 48-63).

Claim 8, Sklar further discloses wherein the step of transmitting changes to a forwarding table is performed at satellite hand-off (Col. 3, lines 57-Col. 4, lines 25).

Claim 9, Sklar further discloses the step of varying the content multicast according to coverage region (Col.11, lines 40-Col. 12, lines 40).

Claim 10, Sklar further discloses wherein the step of multicasting data content comprises the step of refreshing at least a portion of data content previously received by a platform while in another coverage region (Col. 6, lines 48-55; Col. 10, lines 48-63).

Claim 11, Sklar further discloses wherein the step of multicasting data content comprises the step of allowing at least a portion of data content previously received by a platform while in another coverage region to expire (Col. 11, lines 45-55).

Claim 12 is analyzed with respect to claim 1.

Claim 13 is analyzed with respect to claim 5.

Claim 14 is analyzed with respect to claim 7.

Claim 15 is analyzed with respect to claim 1.

Claim 16 is analyzed with respect to claim 9.

Claim 17, is analyzed with respect to claim 1.

Claim 18 is analyzed with respect to claim 1.

Claim 20 is analyzed with respect to claims 7 and 8.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sklar et al. (US 5990928) in view of Nelson et al. (US 6760778).

Claim 19, Sklar does not clearly disclose wherein the formatting the selected data content comprises providing an indication as to whether a packet of the content is to be delivered to the user.

Nelson discloses the selected data content comprises providing an indication (i.e., IP packet with IP address) as to whether a packet of the content is to be delivered to the user (Col. 8, lines 65-65+). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sklar to format the selected data content with encapsulated IP packets, as taught by Nelson, so to provide Internet service to an aircraft from direct broadcast satellite, as suggested by Nelson (Col. 3, lines 30-60).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HT: ht  
03/03/2006

  
**HAITRAN**  
**PRIMARY EXAMINER**